

**SANTA MONICA MOUNTAINS CONSERVANCY**

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June 23, 2008

Richard Mollica  
City of Malibu  
23815 Stuart Ranch Road  
Malibu, California 90265

**Comments on Lot Line Adjustment No. 08-003 at 21000 and 21100 Seaboard Road,  
Initial Study No. 07-008/Negative Declaration No. 07-007, Coastal Development Permit  
Nos. 04-051 and 05-061, watershed of unnamed drainage  
just east of Las Flores Canyon**

Dear Mr. Mollica:

The project site is part of a large swath of continuous native habitat, connecting to the north to Tuna Canyon Park, owned by the Mountains Recreation and Conservation Authority (MRCA), a joint powers partner of the Conservancy. The project site is east of additional property owned by MRCA (Assessor's Parcel Number [APN] 4450-028-900). With respect to the proposed project, the Conservancy is interested in preserving the ecological integrity of the subject block of habitat comprised of public parkland and private parcels including the subjects. Our interest is also in securing and enhancing the recreational trails in the Santa Monica Mountains.

We suggest that the Initial Study/Negative Declaration (IS/ND) is deficient and that at least a Mitigated Negative Declaration (MND) should be prepared, to address the issues raised in this letter. If the City chooses not to prepare another California Environmental Quality Act (CEQA) document, at the very least, the staff report prepared for the Planning Commission must address these issues. There must be iron clad mitigation (e.g., for impacts to environmentally sensitive habitat area [ESHA]), as well as a functional trail easement for a project of this magnitude in core coastal bluff habitat area.

Per the IS, the project consists of a lot line adjustment (LLA) of four lots (pp. 2-3). The LLA will allow for the development of a 10,517 square-foot single-family residence up to 28 feet in height with multiple accessory structures under Coastal Development Permit (CDP) No. 04-051. It will also allow potential development of single family residences on each of the remaining three lots to be clustered around the access road (IS, p. 3). Plans have yet to be

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prepared for any development on the remaining three lots, but the potential future building pads are depicted on site plans (Lots B, C, and D; IS, p. 3). Per the IS (p. 3), the applicant has access rights over the private portion of Seaboard Road via a recorded easement. The existing unpaved road is proposed to be improved and widened to 20 ft. within the existing 40-foot-wide right-of-way. The existing, paved portion of Seaboard Road which is privately owned and is less than 20-feet-wide, is not required to be widened to 20 feet (IS, p. 3). The total impermeable coverage for the road is proposed at 42,340 square feet spread over four parcels. The project includes retaining walls for the road and variances to exceed the permitted wall heights and for construction on slopes (IS, p. 3).

A revised CEQA document, or at the very least the staff report, should clearly define the project by providing equivalency and consistency regarding total acres for this project. Without this information, reviewers do not have adequate knowledge of the project description. Specifically, the project description in the IS/ND is deficient because the pre-LLA total acreage does not match the post-LLA total acreage, which does not match the total acres according to the parcel map. The staff report should address whether APN 4450-022-050 is part of the project. This parcel is not listed in the notice, but it appears to be included as part of APN 4450-022-054 in the figures provided to us. (Also, it appears that APN 4450-022-046 was incorrectly listed in the notice, as that is owned by different party, and it is not a part of this project.) Also, we request clarification regarding when and how any subdivisions were approved for these parcels per the Coastal Act.

The IS (p. 3) states that approximately 0.046 acre of ESHA would be affected for road widening. Per the IS (p. 14), future development of the other three lots with single-family residences will result in total ESHA disturbance of 5.33 acres, for fuel modification. It is not clear what the ESHA impacts are for the subject home (Lot A). We are particularly concerned with any offsite brush clearance impacts to the property to the west (APN 4450-023-002), and related impacts to the watershed of that drainage.

Portions of the project site are identified as ESHA in the LCP. We request a clarification regarding when the property was cleared and whether it was cleared legally. If it was not cleared legally, then those areas must be treated as ESHA. It is not clear if the Coastal Commission has agreed with that assertion that the ESHA was cleared legally, due to a Calvo exemption.

According to the LCP Local Implementation Plan (Section 15.5), certain findings need to be made by the City in order to approve a lot line adjustment. This states (in part): the lot line

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adjustment will not increase the amount of environmentally sensitive habitat that would be damaged or destroyed by development, and future development on the reconfigured parcels will not increase the amount of landform alteration. It appears that development of proposed Lot D will result in substantial impacts to both ESHA and landform alteration and will create a firefighter's nightmare. Alternately, development of the existing Lot 2 (APN 4450-022-057) could consist of putting a house at the north end of the parcel, with less impacts to ESHA and landform alteration. The house would need to be small, the slope below is too steep to clear, and the mesa behind the house already show clearance. Thus it is highly questionable whether the proposed lot line adjustment will result in fewer ESHA impacts or landform alteration. We recommend that if the lot line adjustment goes forward, that all homes be limited to the south of the road in already disturbed, and largely flat areas. That would provide a less damaging lot line adjustment alternative.

The City's 2004 Malibu Trails System maps show the Malibu Pacific Trail along Seaboard Road through the subject properties. Minutes from the Malibu City Council meeting (November 8, 2004) indicate that the trail is being used. Due to the proposed long access road and its growth-inducing aspect of the project (i.e., allowing the development of four more lots), the City has the nexus it needs to require a trail easement. An irrevocable offer to dedicate a feasible, permanent public trail easement over or adjacent to Seaboard Road should be offered and required as part of this project. This trail easement should connect to any trail easements that may have been offered as part of the adjacent development at 21298 Seaboard Road. There is some flexibility regarding the specific alignment for the trail easement. For example, it may be possible to align the trail easement on the existing dirt road at the north border of APN 4450-022-046, where it borders APN 4450-022-054, provided that this is a feasible trail alignment and that it connects to the trail easement required on the adjacent parcel (APN 4450-023-002).

The IS is deficient for not addressing the cumulative impacts associated with the development of the adjacent property (at 21298 Seaboard Road).

The IS (p. 8) states that driveway lighting shall be limited to the minimum lighting necessary for vehicular use. Additional mitigation measures should be required to help avoid significant impacts to wildlife movement. Lighting and fencing should be prevented along the access road. If fencing is desired, it should be restricted to the immediately developed area.

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We note that the IS does not mention any analysis of potential view impacts to Tuna Canyon Park from the project, including the four homes and brush clearance and the access road.

A four-unit project and long access road in core coastal bluff habitat, along with the cumulative impacts associated with the development of the west (21298 Seaboard Road) warrants a mitigation measure requiring a conservation easement over the undeveloped portions of the property. Any additional development on the site in the future (e.g., vineyards, grazing), that is not considered at this environmental review stage would result in piece-mealing of the analysis of environmental impacts. Specifically, this conservation easement should prohibit development, structures, roads, grading, mineral extraction, grazing, vineyards, planting of non-native vegetation, fencing (other than used for habitat restoration), utilities (other than what is allowed under current utility easements), and removal of native vegetation (except for habitat restoration purposes and brush clearance required for the currently proposed four homes and road). Uses that should be allowed in this conservation easement include trails and habitat restoration.

Thank you for your consideration of these comments. If you have any questions, or would like to discuss further, please contact Judi Tamasi of our staff at (310) 589-3200, ext. 121.

Sincerely,

RONALD P. SCHAFER  
Chairperson